

TO HONORABLE W. W. HEATH, SECRETARY OF STATE, CAPITOL:

I herewith hand you H. B. No. 950 to be deposited in your office in accordance with the Constitution, which bill I have this day disapproved and vetoed. My objection to this bill is that it is an exact duplicate, with the exception of the emergency clause, of H. B. No. 844 already passed and approved, also H. B. 154, known as the Daniels Tax Bill, which was passed and has been approved by me. When I signed and approved both of these bills I sent a special message to the Legislature and called their attention to the fact of irreconcilable conflicts between the two bills. I called the attention of the Legislature to the fact that said bills dealt with the same facts and subject matter and denounced some five or six different acts as criminal acts, but each bill having a separate and distinct penalty for the doing of said acts. I called these matters to the attention of the Legislature in order that they might correct the conflicts in the two laws if they so desired.

But the Legislature for reasons best known to themselves failed to make any corrections to eliminate the conflicts between the two laws, but re-enacted H. B. 844 known as the Walker Penalty Bill, and put the emergency clause in this H. B. No. 950 referred to and known as Walker Penalty Bill No. 2. As H. B. No. 154, known as the Daniels Tax Bill, and H. B. 844, known as the Walker Penalty Bill No. 1, did not have the emergency clause and emergency vote, they will not take effect until ninety days after adjournment of the Legislature, or about seventy days from today.

The astounding Legislative condition now presented is that we already have two laws covering the same subject matter and denouncing the doing of certain things in the oil business as crimes, and the signing of this penalty H. B. No. 950 would make three laws covering the same matters and with different penalties and taking effect at different times. A more confused legislative condition cannot be imagined.

H. B. No. 950 (Walker Penalty Bill No. 2) now before me does not anywhere provide for any tax or any penalty for failure to pay tax -- but does provide many penalties for doing things condemned in H. B. No. 154. Now H. B. No. 154, known as the Tax Bill, levies two cents per barrel on gross production and will bring in more than Ten Million Dollars -- said H. B. No. 154 (the Daniels Bill) provides different penalties for the doing and not doing of certain things in the production of oil, all intended mainly to insure collection of the tax. If H. B. No. 950 before me is signed now carrying the emergency clause, it would be the last expression of the Legislature on the question of production, because it carries the emergency clause, and it would strike down every criminal provision of H. B. No. 154, which does not carry any emergency clause, and would leave no penalty to insure collection of the tax. This was and is the main intention of the law so far as this administration is concerned to get revenues to run the government. H. B. No. 950, now before me being passed last, would defeat the criminal provisions of H. B. No. 154 and leave the tax unenforceable, and the oil companies would escape paying the tax. And the further hazard of approving H. B. No. 950 would be the conflict in the criminal provisions of H. B. No. 154 which might endanger not only the criminal provisions but the tax provisions as well, leaving no penalty and no tax.

I regret that this condition has arisen, but I feel that in calling the attention of the Legislature to the conflicting provisions in plenty of time, that I have done all I could do to prevent this unfortunate situation. As H. B. No. 154 and H. B. No. 844 will in seventy days be in force and effect anyhow, I do not think it best to add to the confusion already existing by signing another bill carrying

the same conflict, and I have, therefore, disapproved and vetoed
same.

Done at Austin, Texas, this the 20th day of June, A. D.
1933.

Muram A. Ferguson
Governor of Texas